



**THE COURT OF MAGISTRATES (MALTA)**  
As A Court of Criminal Judicature

**MAGISTRATE**  
**DR. CAROLINE FARRUGIA FRENDO**  
*B.A. (Legal and Humanistic Studies), LL.D.,*  
*M.Juris (International Law), Dip. Trib. Eccl. Melit.*

**Case number: 37/2017**

**The Police**  
**(Inspector James Grech)**  
**(Inspector Mark Mercieca)**  
**vs**  
**Mitko Georgiev**

**Today 2<sup>nd</sup> March, 2017**

**The Court:**

After having seen the charges brought against:

Mitko Georgiev, age 24 years, born in Bulgaria on the 31st of August 1992, son Deshkov, residing in a place with no number in Triq Toni Bajada, St. Paul's Bay, holder of Bulgarian document number 645224519 and Maltese identity card number 61388°.

Charged him with having on the 21st January, 2017 at around 10:10 in the morning at Andrew Store, Manuel Dimech Street, Sliema,

1. With the intention of committing the crime of theft, manifested such intent by overt acts which were followed by a commencement of the execution of the crime, which was not completed in consequence of some accidental cause independent of his will and if such crime was executed it would have constituted

a crime of theft aggravated by Violence and Amount not exceeding €2329.37, to the detriment of Andrew Grima and/or other persons.

2. Furthermore for having, at the time of committing a crime against the person or of theft or injury to property had on his person any arm proper or ammunition or any imitation thereof.

The Court is kindly being requested to deal with Mitko Georgiev as being a recidivist according to Art. 49 and 50 of Chapter 9 of the Laws of Malta.

After having seen that the Prosecuting Officers Inspector James Grech and Inspector Mark Mercieca read out and confirmed on oath the charges brought against the accused, in the presence of the accused on the 23rd January, 2017.

After having seen all the documents exhibited in the proceedings, and more specifically the conviction sheet of the accused<sup>1</sup>, a photocopy of the accused's identity card<sup>2</sup>, the current incident report<sup>3</sup>, the consent of the Attorney General for these proceedings to be dealt with summarily<sup>4</sup>, 2 CD's marked as Doc JG1<sup>5</sup>, DVD and thirteen (13) stills marked as Doc JG2<sup>6</sup>, DVD and three (3) stills marked as Doc JG3<sup>7</sup> and the pre-sentencing report marked as Doc JF1.

After having heard the accused register a guilty plea to the first (1) and second (2) charges brought against him, in the sitting of the 2<sup>nd</sup> February, 2017.

After having explained the legal consequences of his guilty plea and given the accused sufficient time to reconsider his guilty plea, he re-affirmed his guilty plea.

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<sup>1</sup> A fol 6 of the process

<sup>2</sup> A fol 7 of the process

<sup>3</sup> A fol 8 of the process

<sup>4</sup> A fol 13 of the process

<sup>5</sup> A fol 19 of the process

<sup>6</sup> A fol 20 of the process

<sup>7</sup> A fol 21 of the process

The Court appointed a Probation Officer to prepare a pre-sentencing report with respect to the accused, and after having heard the same probation officer Joanne Farrugia under oath present the same pre-sentencing report prepared by her and marked as Doc JF1, whereby the same suggested the following, *"In light of the facts highlighted above, the fact that the accused is of relatively clean conduct with regards to the Maltese Courts, that he has a young family and that the theft was not executed for reasons not in Mitko Georgiev's control, it is humbly being recommended that the accused be placed on a probation order for a period of one year to eighteen months"*.

After having heard the accused register a guilty plea for the aggravating charge of recidivism brought against him, in the sitting of the 2<sup>nd</sup> March, 2017.

After having explained the legal consequences of his guilty plea and given the accused sufficient time to reconsider his guilty plea, he re-affirmed his guilty plea.

Having heard submissions on punishment by the parties.

Considers:

In the light of the above plea of guilt which guilty plea was made voluntarily, expressly and unconditionally, the Court is satisfied that the accused is to be found guilty of the charges brought forward against him.

Regarding punishment, the Court took into consideration the guilty plea registered by the accused at such an early stage of the proceedings, in thus the court did not have to waste time in gathering further evidence and the accused's relatively clean conviction sheet produced by the prosecution. The Court is considering also the fact that the Probation Officer suggested that the accused be awarded a Probation Order and although is in agreement with the Probation Officer that the accused be given a Probation Order, the Court deems it better to impose a longer period of probation. This will be of benefit for accused who can use this chance to be helped and address all his problems.

Decide:

Thus the Court after having seen the relevant sections at law in particular Articles 261(a), 262(b), 276 of Chapter 9 of the Laws of Malta, Article 55(a) of Chapter 480 of the Laws of Malta and Articles 49 and 50 of Chapter 9 of the Laws of Malta decides to find the accused MITKO GEORGIEV guilty of the charges brought against him by the prosecution and puts him under a Probation Order for a period of twenty-four (24) months from today in terms of Section 7(1) of Chapter 446 of the Laws of Malta, with the conditions in the same Probation Order herewith attached and which forms an integral part of this judgement.

The Court, in terms of article 7 (7) of Chapter 446 of the Laws of Malta, has warned the offender about the legal consequences if he commits another crime within the prescribed operative period of the Probation Order and/or if he fails to abide by one of the orders stipulated in the Probation Order, and the offender confirmed his will that he will abide by this Probation Order.

The Court orders that a copy of the Probation order be given to the probationer and another copy be sent to the Director Probation Services and Parole so that he assigns a probation officer to be responsible for the supervision of the probationer.

**Dr. Caroline Farrugia Frendo LL.D.**  
**Magistrate**

**Nadia Ciappara**  
**Deputy Registrar**